

## REMARKS

The Office Action dated September 22, 2005 has been fully considered by the Applicant.

Attached is a Request for Three-Month Extension of Time and a check in the amount of \$1020 for payment of the Extension.

Claims 1, 7 and 14 are currently amended. Claim 2-6 8-13, 15 and 16 have been previously presented.

Claims 1-3, 5-9, 11, 14 and 15 have been rejected under 35 USC 102(b) as being anticipated by European Patent No. 0798875 to Kaku et al. Applicant respectfully requests reconsideration of the rejection.

Applicant's claim 1 has been currently amended to provide for a method of installation of a broadcast data receiver to receive broadcast data which is broadcast continuously to a plurality of locations including the location of the receiver, the method including the steps of measuring the power level of incoming data signals used to generate at least video or audio data at two predetermined spaced points on the signal band by measuring the content of automatic gain control converters within the receiver and providing an amplitude correction filter which can be selectively operated on the data signals to allow the correction of amplitude variations with the frequency. The selective operation of the filter is dependent upon and responsive to the power level measurements obtained. Applicant believes currently amended claim 1 is novel over the Kaku patent and respectfully requests reconsideration of the rejection.

Clearly it can be seen that the Kaku patent does not teach that the power level of incoming frequency signals relates to the data that is to be processed to generate at least video or audio data by the apparatus, nor does the Kaku patent teach a method of measuring the data signal itself, as in

Applicant's disclosure.

In Applicant's invention, two frequencies are measured to allow the amplitude to be corrected as required, except the present application measures the power of the data signal itself via the AGCs, not as in the Kaku patent overlaid test signals. A disadvantage of such overlaid signals, as used in the Kaku patent, is that the overlaid signals could corrupt or otherwise interfere with the data signal. Applicant's invention does not suffer from the same adverse consequences as in the Kaku patent since Applicant does not use such overlaid signals, but instead measures the power of the data signal itself at two spaced points along the signal band.

In addition, Applicant's currently amended claim 1 provides that the power level of incoming frequency signals relates to the data that is to be processed to generate at least video or audio data by the apparatus. This is novel over the prior art relating to use of a training signal in discrete transmission, as such training signals do not relate to the data signal. Further, such training would not be possible in the continuous transmission situation wherein satellite data is broadcast continuously to a plurality of locations and received by a broadcast data receiver at a location as described in Applicant's currently amended claim, as the interruptions for training signals would prevent the transmissions from being continuous. It would be ineffective to train receivers at different locations in this way as the signals would vary from location to location.

In addition, Applicant's currently amended claim 1 is novel over the Kaku patent as instead of overlaid signals being used over the data signal, Applicant's invention measures the data signal itself. Further, Applicant's claim 1 prevents interference of the data signal from such overlaid signals. It can be seen that Applicant's currently amended claim 1 is novel over the Kaku patent and Applicant, therefore, respectfully requests reconsideration of the rejection.

With reference to Examiner's Liu's first point, the Kaku patent disclosed prior art in which modems are trained on connecting with an initial training signal to allow the AGC and/or line equalizer to be adjusted. The Examiner considers that such training falls within the scope of Applicant's disclosure. However, to perform the training, Kaku indicates that a considerable period of time is needed as the training signal needs to be processed by an appropriate algorithm, and the processing means leads to additional costs. Kaku therefore teaches the solution of overlaying plural tones onto a modem signal such that the power levels of the tones can be measured and adjusted as required to adjust the modem signal. In Applicant's invention, two frequencies are measured to allow the amplitude to be corrected as required and measures the power of the data signal itself via the AGCs, not overlaid test signals as in the Kaku patent. As stated above, the Kaku overlaid signals could corrupt or interfere with the data signal. In Applicant's invention, no such corruption or interference is generated.

Claims 2, 3, 5-6 depend upon independent claim 1 and are believed to be novel over the Kaku patent for the reasons stated above.

Claim 7 has been amended to include a broadcast data receiver for receiving digital data that is continuously transmitted to a plurality of locations, received by the application and passed to the receiver via a radio frequency input from the data carrying network. The broadcast data receiver includes a selectively activated linearization circuit that operates with a receiver control system upon comparison of measurements of the power levels at two predetermined points on the signal passed to the radio frequency input. The signal is used to generate at least video or audio data by the apparatus. The linearization circuit is activated to adjust the receiver settings during an installation procedure for the broadcast data receiver at a location at which the receiver is to be used if the

comparison reveals a difference which is greater than a predetermined level. Clearly these features are not taught or suggested in the prior art. Therefore, Applicant sincerely believes that currently amended claim 7, along with dependent claim 8-13, is novel over the cited references.

Claim 14 has been amended to clarify that when a user installs the apparatus, the user is provided with an indication that the apparatus is ready for use, the signal having been adjusted if necessary to fall within predefined parameters.

Examiner Liu indicated that cited portions of Kaku (col 8, lines 17-21 and 29-34, and col 25 lines 2-19) includes a method which provides an installer with an indication of measurement comparison status. Applicant is unclear as to the basis on which Examiner Liu used to reject claim 14. Applicant kindly asks that Examiner Liu elaborate on his objection should the objection be maintained. However, Applicant's claim 14 has been amended to relate to a user rather than a more indefinite installer.

Claim 15 depends upon currently amended claim 14, and Applicant believes it to be novel for the same reasons stated herein with reference to claim 14.

Claims 12, 13 and 16 have been rejected under 35 USC 103(a) as being unpatentable over European Patent No. EP0798875 to Kaku et al in view of United States Patent No. 5,991,339 to Bazes. Claims 12 and 13 depend on currently amended independent claim 7 and are believed novel over the references as cited herein. Claim 16 depends upon currently amended independent claim 14 and is believed to be novel over the cited references as stated herein with reference to claim 14.

Claim 4 has been rejected under 35 USC 103(a) as being unpatentable over European Patent No. 0798875 to Kaku et al in view of United States Patent No. 6,542,540 to Leung et al. Claim 4 is dependent upon currently amended independent claim 1. Applicant believes that claim 1 is novel over the cited references as herein stated and therefore claim 4 is also novel for the same reasons.

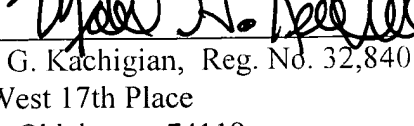
Claim 10 has been rejected under 35 USC 103(a) as being unpatentable over European Patent No. 0798875 to Kaku et al in view of United States Patent No. 6,167,081 to Porter et al. Claim 10 depends upon currently amended independent claim 1. Applicant believes that claim 10 is novel over the cited references as stated above.

In summary, Applicant's disclosure provides for the installation of a receiver to receive broadcast data that is broadcast continuously to a plurality of locations including the location of the receiver. Applicant's disclosure includes measuring the power level of incoming data signals used to generate at least video or audio data at two predetermined spaced points on the signal band by measuring the content of automatic gain control converters within the receiver and providing an amplitude correction filter which can be selectively operated on said data signals to allow the correction of amplitude variations with frequency. The selective operation of the filter being dependent upon and responsive to the power level measurements obtained. None of the cited references have these distinctive steps and therefore reconsideration of the rejection is respectfully requested.

It is believed that the application is now in condition for allowance and such action is earnestly solicited. If any further issues remain, a telephone conference with the Examiner is requested. If any further fees are associated with this action, please charge Deposit Account No. 08-1500.

Respectfully Submitted  
HEAD, JOHNSON & KACHIGIAN

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